

AMENDED IN ASSEMBLY APRIL 7, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 811

Introduced by Assembly Member Matthews

February 18, 2005

An act to add Division 2.75 (commencing with Section 1825) to the Health and Safety Code, ~~and to add Division 8.75 (commencing with Section 9800) to the Welfare and Institutions Code~~, relating to health and human services.

LEGISLATIVE COUNSEL'S DIGEST

AB 811, as amended, Matthews. California Health and Human Services Agency: licensing and certification functions: consolidation.

Under existing law, several state departments and other entities within the California Health and Human Services Agency regulate the licensure and operation of various types of facilities that provide health and public social services. Existing law also regulates the licensure or certification of individual services providers, including the performance of background clearance checks.

This bill would require the Secretary of California Health and Human Services, ~~by an unspecified date January 1, 2006~~, to conduct a review of all *administrative*, statutory, and regulatory requirements relating to the licensing and certification of facilities, programs, and individuals that are responsible for providing health and social services to the public, ~~and to develop and implement a program to consolidate those functions, by an unspecified date~~. The ~~program~~ *review* would apply to the licensing and certification functions of the State Department of Health Services, the State Department of Social Services, the Emergency Medical Services Authority, the California Department of Aging, the State Department of Mental Health, and the

State Department of Alcohol and Drug Programs, and any other entity that meets the requirements of the bill as identified by the Secretary. The bill would ~~designate the licensing and certification functions to be consolidated. It would~~ authorize the secretary to hire or contract with ~~all necessary staff to~~ *who possess the skills necessary to develop and implement the consolidation* a centralized licensure and certification program. This bill would provide that it would not be construed to require any action that would result in the loss of federal funding for the agency or any of the entities for which licensing functions are being consolidated. The bill would also require the secretary to ~~adopt regulations, and make report to the appropriate policy and fiscal committees of the Legislature by October 1, 2007, to make recommendations to the Legislature for~~ *as to the* statutory changes necessary to implement ~~the bill~~ *a centralized licensure and certification program.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Division 2.75 (commencing with Section 1825)
2 is added to the Health and Safety Code, to read:

3
4 DIVISION 2.75. LICENSING AND CERTIFICATION
5 CONSOLIDATION
6

7 1825. No later than _____, *January 1, 2006*, the Secretary
8 of California Health and Human Services shall initiate a review
9 of all *administrative*, statutory, and regulatory requirements *and*
10 *functions* relating to the licensing and certification of facilities,
11 programs, and individuals responsible for providing health and
12 social services to the public, ~~and shall develop and implement a~~
13 ~~program to consolidate those functions. Final consolidation of~~
14 ~~licensing and certification functions pursuant to this division~~
15 ~~shall occur no later than _____.~~ *public. The review shall study*
16 *the feasibility of consolidating the licensing and certification*
17 *functions of the entities described in Section 1826.*

18 1826. This division shall apply to the following entities:

- 19 (a) The State Department of Health Services.
20 (b) The State Department of Social Services.

- 1 (c) The Emergency Medical Services Authority.
- 2 (d) The State Department of Alcohol and Drug Programs.
- 3 (e) *The California Department of Aging.*
- 4 (f) *The State Department of Mental Health.*
- 5 (g) Any other entity that administers the requirements of
- 6 Section 1825, as identified by the secretary.

7 1827. ~~(a) The consolidation program~~ review shall include,
8 but shall not be limited to, the following licensing and
9 certification functions:

- 10 ~~(a)~~
- 11 (1) Application review.
- 12 ~~(b)~~
- 13 (2) Administrative support functions, including, but not
- 14 limited to, conducting background clearances, issuance and
- 15 renewal of licenses and certificates, and fee collection.
- 16 ~~(c)~~
- 17 (3) Complaint response.
- 18 ~~(d)~~
- 19 (4) Adoption of regulations.
- 20 ~~(e)~~
- 21 (5) Monitoring activities, including onsite visits.
- 22 ~~(f)~~
- 23 (6) Enforcement activities, including license or certificate
- 24 suspension or revocation when appropriate.

25 (b) *With regard to background checks and fingerprint*
26 *clearances, the review shall, at a minimum, address the*
27 *following:*

- 28 (1) *Which potential employees are required to undergo a*
- 29 *background check, fingerprint clearance, or both.*
- 30 (2) *The types of crimes that require a department to deny*
- 31 *employment, and the types of crimes that would allow a*
- 32 *department to have discretion to approve potential employees*
- 33 *who have been convicted of the crimes.*
- 34 (3) *Whether and under what circumstances an employee may*
- 35 *begin employment before the background check or fingerprint*
- 36 *clearance is completed.*
- 37 (4) *Whether and under what circumstances a department will*
- 38 *investigate an employee's subsequent arrest.*

39 1828. The Secretary of California Health and Human
40 Services ~~shall~~ may hire or contract with staff that possess the

1 necessary skills to develop and implement a centralized licensure
2 and certification program in the most cost-effective manner
3 possible.

4 1829. ~~The consolidation program established pursuant to this~~
5 ~~section~~ *review* shall include *the feasibility of establishing a*
6 centralization of the databases of the affected entities, in order to
7 help protect consumers from providers or facilities that have been
8 banned from delivering services in any consumer setting, and to
9 reduce the number of duplicate background checks.

10 1830. Nothing in this division shall be construed to require
11 any action that would result in the loss of federal funding for the
12 agency or any of the entities described in Section 1826.

13 1831. The Secretary of Health and Human Services shall ~~do~~
14 ~~both of the following:~~

15 ~~(a) Adopt all regulations necessary to implement this division.~~

16 ~~(b) Report submit a report to the appropriate policy and fiscal~~
17 committees of the Legislature *by October 1, 2007*, regarding
18 recommendations for statutory changes necessary to ~~implement~~
19 ~~this division.~~ *implement a centralized licensure and certification*
20 *program.*

21 SEC. 2. ~~Division 8.75 (commencing with Section 9800) is~~
22 ~~added to the Welfare and Institutions Code, to read:~~

23
24 DIVISION 8.75. ~~LICENSING AND CERTIFICATION~~
25 ~~CONSOLIDATION~~
26

27 9800. No later than _____, the Secretary of California
28 Health and Human Services shall initiate a review of all statutory
29 and regulatory requirements relating to the licensing and
30 certification of facilities, programs, and individuals that are
31 responsible for providing health and social services to the public;
32 and shall develop and implement a program to consolidate those
33 functions. Final consolidation of licensing and certification
34 functions pursuant to this division shall occur no later than
35 _____.

36 9801. ~~This division shall apply to the following entities:~~

37 ~~(a) The California Department of Aging.~~

38 ~~(b) The State Department of Mental Health.~~

39 ~~(c) Any other entity that administers the requirement of~~
40 ~~Section 9800, as identified by the secretary.~~

1 ~~9802. The consolidation program shall include, but shall not~~
2 ~~be limited to, the following licensing and certification functions:~~

3 ~~(a) Application review.~~

4 ~~(b) Administrative support functions, including, but not~~
5 ~~limited to, conducting background clearances, issuance and~~
6 ~~renewal of licenses and certificates, and collecting fees.~~

7 ~~(c) Complaint response.~~

8 ~~(d) Adoption of regulations.~~

9 ~~(e) Monitoring activities, including onsite visits.~~

10 ~~(f) Enforcement activities, including license or certificate~~
11 ~~suspension or revocation when appropriate.~~

12 ~~9803. The Secretary of California Health and Human~~
13 ~~Services shall hire or contract with staff that possess the~~
14 ~~necessary skills to develop and implement a uniform licensure~~
15 ~~and certification program in the most cost-effective manner~~
16 ~~possible.~~

17 ~~9804. The consolidation program established pursuant to this~~
18 ~~section shall include centralization of the databases of the~~
19 ~~affected entities, in order to help protect consumers from~~
20 ~~providers or facilities that have been banned from delivering~~
21 ~~services in any consumer setting, and to reduce the number of~~
22 ~~duplicate background checks.~~

23 ~~9805. Nothing in this division shall be construed to require~~
24 ~~any action that would result in the loss of federal funding for the~~
25 ~~agency or any of the entities described in Section 9801.~~

26 ~~9806. The Secretary of Health and Human Services shall do~~
27 ~~both of the following:~~

28 ~~(a) Adopt all regulations necessary to implement this division.~~

29 ~~(b) Report to the appropriate committees of the Legislature~~
30 ~~regarding recommendations for statutory changes necessary to~~
31 ~~implement this division.~~